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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/682,133	10/09/2003	Richard D. Dettinger	ROC920030237US1	1361

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IBM CORPORATION, INTELLECTUAL PROPERTY LAW
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3605 HIGHWAY 52 NORTH
ROCHESTER, MN 55901-7829

EXAMINER

PHAM, KHANH B

ART UNIT	PAPER NUMBER
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2166

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/682,133	Applicant(s) DETINGER ET AL.	
	Examiner Khanh B. Pham	Art Unit 2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17,26-41,50 and 51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17,26-41,50 and 51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I, Claims 1-17, 26-41, and 50-51 in the reply filed on December 8, 2006 is acknowledged.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims **1-17, 26-41, 50-51** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claims are rejected as falling under the judicial exception of an abstract idea which lacks a useful, concrete, and tangible result. A claimed series of steps or acts that do not result in a useful, concrete, and tangible result are not statutory within the meaning of 35 USC 101. In the instant case, the claims recite, "issuing" "executing" "determining" and "managing" However, no useful, concrete, and tangible result is claimed. Non of the steps being claimed at the end of the claim may comprise a useful, concrete, and tangible result. Absent such a result, however, the claims are not statutory.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims **1-17, 26-41, 50-51** are rejected under 35 U.S.C. 102(a) as being anticipated by Bert Scalzo ("Oracle DBA Guide to Data Warehousing and Star Schema"), hereinafter "**Scalzo**".

As per claim 1, Scalzo teaches a method of managing execution of query operations in a data processing system comprising:

- "issuing, by a requesting entity, a request to perform a composite query operation defined by at least an initial query operation and a subsequent query operation to be executed against a data repository of the data processing system" at bottom of page 6, ("**upserts**" operation comprises update and insert operation)
- "executing the initial query operation" at bottom of page 7, (executing "**update_command**");
- "determining an operation status of the initial query operation" at top of page 8, ("if update fails because record not found");
- "managing execution of the subsequent query operation on the basis of the determined operation status" at top of page 8, (Executing insert_command if update fails)

As per claim 2, Scalzo teaches the method of claim 1, wherein “determining and managing are performed by a composite query operations manager” at pages 7-8.

As per claim 3, Scalzo teaches the method of claim 1, wherein “the requesting entity is an application and wherein the determining and managing are performed by a composite query operations manager” at pages 7-8.

As per claim 4, Scalzo teaches the method of claim 1, wherein “the initial and the subsequent query are SQL statement” at pages 7-8.

As per claim 5, Scalzo teaches the method of claim 1, wherein “determining an operation status of the initial query operation comprises determining a number of items affected by the initial query operation” at pages 7-8.

As per claim 6, Scalzo teaches the method of claim 1, wherein “determining an operation status of the initial query operation comprises determining whether the initial query operation complete successfully” at page 8.

As per claim 7, Scalzo teaches the method of claim 1, wherein “determining an operation status of the initial query operation comprises determining, on the basis of a return code received upon completion of the initial query operation, whether the initial query operation completed successfully” at page 8.

As per claim 8, Scalzo teaches the method of claim 1, wherein “managing execution of the subsequent query operation comprises: executing the subsequent query operation only if the initial query operation did not complete successfully” at page 8.

As per claim 9, Scalzo teaches a method of managing execution of query operations in a data processing system comprising:

- “issuing, by a requesting entity, a request to perform a composite query operation defined by at least an initial query operation and a plurality of subsequent query” at page 6, “upsert operation”;
- “providing selection logic defining a next query operation of the composite query operation to be executed” at pages 7-8, the “Pro-C program”;
- “providing a plurality of failure conditions for determining when a failure of the composite query operation occurs” at pages 7-8, the “Pro-C program”;
- “managing, using a composite query operations manager, execution of the initial query operation and the plurality of subsequent query operation on the basis of the selection logic and the plurality of failure condition” at pages 7-8.

As per claim 10, Scalzo teaches the method of claim 9, wherein at least one failure condition of the plurality of failure conditions indicates the initial query operation and an operation status of the initial query operation which indicates a failure of the composite query operation” at pages 7-8.

As per claim 11, Scalzo teaches the method of claim 10, wherein “each other failure condition of the plurality of failure conditions indicates a series of the initial query operation and at least one of the plurality of subsequent query operations, and an operation status of the at least one of the plurality of subsequent operation which indicates a failure of the composite query operation” at pages 7-8.

As per claim 12, Scalzo teaches the method of claim 9, wherein “managing execution of the initial query operation and the plurality of subsequent query operations comprise a) “executing the initial query operation”; b) determining an operation status of the initial query operation”; c) determining, on the basis of the operation status and the plurality of failure condition, whether failure of the composite query operation occurred” d) “if no failure of the composite query operation occurred: i) determining the next operation to be executed from the plurality of subsequent query operations using the selection logic”; ii) “executing the next query operation”; iii) “determining, on the basis of the operation status of the next query operation”; iv) “determining, on the basis of the operation status and the plurality of failure conditions, whether failure of the composite query operation occurred”; v) “repeating step d) for at least one other of the plurality of subsequent query operations” at pages 7-8;

As per claim 13, Scalzo teaches the method of claim 12, wherein step c) and iv) comprises, if failure occurred: completing execution of the composite query operation,

and returning a failure code as completion status of the composite query operation indicating a failure condition from the plurality of failure condition" at pages 7-8.

As per claim 14, Scalzo teaches the method of claim 12, wherein step b) and step iii) comprise determining whether the respective query operation complete successfully" at pages 7-8.

As per claim 15, Scalzo teaches the method of claim 12, wherein step b) and iii) comprise determining, on the basis of a return code received upon completion of the respective query operation, whether the respective query operation complete successfully" at pages 7-8.

As per claim 16, Scalzo teaches the method of claim 12, wherein step b) and iii) comprise determining whether the respective query operation completed successfully and, if the respective query operation completed successfully: completing executing the composite query operation" at pages 7-8.

As per claim 17, Scalzo teaches the method of claim 9, wherein "the initial and each subsequent query operation is an SQL statement" at pages 7-8.

Art Unit: 2166

Claims 26-41 and 50-51 recite a computer readable storage medium and a data processing system for performing similar method as in claims 1-17 and are therefore rejected by the same reasons.

Response to Arguments

5. Applicant's arguments with respect to claims 1-17, 26-41, and 50-51, have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record, listed on form PTO-892, and not relied upon, if any, is considered pertinent to applicant's disclosure.

If a reference indicated as being mailed on PTO-FORM 892 has not been enclosed in this action, please contact Lisa Craney whose telephone number is **(571) 272-3574** for faster service.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh B. Pham whose telephone number is (571) 272-4116. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

Art Unit: 2166

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Khanh B. Pham
Primary Examiner
Art Unit 2166

March 7, 2007

A handwritten signature in black ink, appearing to read 'Kpham', with a long horizontal flourish extending to the right.